

REMARKS

This Amendment is in response to the Office Action dated January 10, 2006. All objections and rejections are respectfully traversed.

Claims 1-6 were withdrawn, without prejudice, in response to a restriction requirement, therefore the claims have been cancelled.

Claim 7 has been cancelled, without prejudice.

New claims 13 and 14 have been added to better claim the invention.

Claims 8-12 have been amended either directly or through dependency in order to place the claims in condition for allowance.

Claims 7-12 were rejected under 35 USC §102(b) as being anticipated by United States Patent No. 6,226,097, issued on December 4, 2001 to Hockaday ("Hockaday").

The present invention as set out in amended representative independent claim 9 comprises in part:

A method of refueling a direct oxidation fuel cell used to power an electrical appliance, the method comprising the steps of:

- A. providing a substantially full, user-removable fuel cartridge which is integrated with the appliance, ***in which the cartridges are keyed so that only cartridges having corresponding electrical keys can supply fuel to said fuel cell or fuel reservoir***, then said fuel cartridge coupled to said fuel cell or to a fuel reservoir and conforming substantially to a standardized specification;
- B. removing said fuel cartridge from said appliance when said fuel cartridge is substantially exhausted or at another time; and
- C. installing a substantially full fuel cartridge in said appliance.

By way of background, Hockaday describes various microfuel cell powered devices. Referring to Fig. 2, a power holster 11 has a fuel cavity 21, designed to accept the fuel tanks 22 shown in Fig. 3A. The fuel tanks 22 are made from polyethylene plastic and filled with a 1:1 molecular ratio of methanol to water mixture. The fuel tanks 22 are inserted into the fuel cavity 21 and are impaled on the fueling needle (not shown) to start fueling. (Col. 5, lines 34-39).

Though Hockaday teaches that the fuel tanks are impaled on a fueling needle, Hockaday is silent on Applicant's feature of *cartridges being keyed so that only cartridges having corresponding electrical keys can supply fuel to said fuel cell or fuel reservoir*.

Accordingly, Applicant respectfully urges that the Hockaday patent is legally precluded from anticipating the claimed invention under 35 USC §102 because of the absence from the Hockaday patent of Applicant's claimed feature of *the cartridges being keyed so that only cartridges having corresponding electrical keys can supply fuel to said fuel cell or fuel reservoir*.

All dependent claims are believed to be dependent from allowable independent claims, and therefore are in condition for allowance.

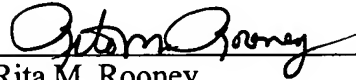
Favorable action is respectfully solicited.

PATENTS
107059-0033
M-5127

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rita M. Rooney", is written over a horizontal line.

Rita M. Rooney
Reg. No. 30,585
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500